

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

INFORMATION CONCERNING APPEAL FROM CONVICTION BY MAGISTRATE

(a) Notice of Appeal. An appeal from a judgment of conviction by a magistrate to a district judge must be taken within ten (10) days after entry of the judgment. An appeal shall be taken by filing with the Clerk, United States District Court, U.S. Postal Office and Courthouse Building, 101 25<sup>th</sup> Street, Newport News, Virginia 23607, stating that the defendant appeals from the judgment and by paying a \$32.00 filing fee.

(b) Record. The original papers and exhibits in the case, together with a transcript of the trial proceedings and a certified copy of the docket entries, shall constitute the record on appeal. The cost of the transcript is \$3.00 per page. The cost of preparing the transcript is not affected by an affirmance or reversal of the conviction and must be paid to the Clerk.

(c) Rule of Execution; Release Pending Appeal. The provisions of Rule 38(a) of the Federal Rules of Criminal Procedure relating to a stay of execution shall be applicable to a judgment of conviction entered by a magistrate. The defendant may be released pending appeal by a magistrate or a district judge in accordance with the provisions of law relating to release pending appeal from any other conviction of a district court.

(c) Scope of Appeal. The defendant shall not be entitled to a trial de novo by a district judge. The scope of appeal shall be the same as on a criminal appeal from a judgment of a district court to a court of appeals.

(d) Indigent Defendant. If the defendant is unable to pay the cost of an appeal, he may apply for leave to appeal in forma pauperis.

Clerk  
United States District Court  
U.S. Postal Office and Courthouse Building  
101 25<sup>th</sup> Street  
Newport News, Virginia 23607

NOTE: Sentence not stayed by noting appeal  
Defendant must pay fine at time of sentence.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

NOTICE OF APPEAL

UNITED STATES OF AMERICA

CR. NO. \_\_\_\_\_

vs.

MAG. NO. \_\_\_\_\_

\_\_\_\_\_

APPELLANT:

\_\_\_\_\_

DATE BEFORE U.S. MAGISTRATE:

\_\_\_\_\_

OFFENSE:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

JUDGMENT:

\_\_\_\_\_

\_\_\_\_\_

REQUEST TRANSCRIPT OF PROCEEDINGS (    )    YES, name and telephone number of court  
reporter provided.

The above appellant hereby appeals to a United States District Court Judge of the Eastern District of  
Virginia from the above stated judgment.

Date:

\_\_\_\_\_  
(Signature)